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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT  
DIVISION SEVEN

THE PEOPLE,

Plaintiff and Respondent,

v.

PERRY PERISH WEST,

Defendant and Appellant.

B264395

(Los Angeles County  
Super. Ct. No. NA036638)

APPEAL from an order of the Superior Court of Los Angeles County, Laura L. Laesecke, Judge. Affirmed.

Rich Pfeiffer, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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In 1998, police officers were looking for Perry West, a suspect in a robbery and kidnapping. The officers approached a house, knocked on the front door and identified themselves as police. Through a front window, an officer saw West walk to the door armed with a handgun and then bend down beside a nearby chair. The officers immediately gained entry and seized a handgun that was on the chair. After obtaining a search warrant, they recovered methamphetamine.

West was convicted following a jury trial of possession of a controlled substance while armed with a firearm (Health & Saf. Code, § 11370.1, subd. (a)) and possession of a firearm by a felon (former Pen. Code, § 12021, subd. (a)(1)), with findings by the trial court that he had suffered two prior serious felony convictions within the meaning of the three strikes law (Pen. Code, §§ 667, subds. (b)-(i) and 1170.12) and had served three separate prison terms for felonies (Pen. Code, § 667.5, subd. (b)). The court sentenced West to an aggregate state prison term of 25 years to life. We affirmed the convictions. (*People v. West* (Dec. 15, 1999, B128706) [nonpub. opn.]).<sup>1</sup>

On March 3, 2015 West, representing himself, filed a petition seeking to reduce his felony conviction for possession of a controlled substance while armed with a firearm to a misdemeanor under Proposition 47, the Safe Neighborhoods and Schools Act (§ 1170.18).<sup>2</sup> The trial court denied the petition, finding West was not eligible for resentencing under Proposition 47. The record upon which the court relied did not contain a description of the facts underlying the conviction.

West filed a timely notice of appeal, asserting he would not pose an unreasonable risk of danger to the public if he were resentenced.

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<sup>1</sup> We rely on this unpublished opinion pursuant to California Rules of Court, rule 8.1115(b)(1), because the relevant facts are set forth in that opinion. West's appellate counsel provided documentation that the reporter's notes of the December 4, 1998 sentencing hearing were destroyed under Government Code section 69955, subdivision. (e), and the probation officer's report was apparently misplaced.

<sup>2</sup> In his petition, West did not include his conviction for possession of a firearm by a felon.

We appointed counsel to represent West on this appeal. After examination of the record, counsel filed an opening brief in which no issues were raised. On November 30, 2015 we advised West he had 30 days within which to submit any contentions or issues he wished us to consider. We have received no response.

We have examined the entire record and are satisfied West's appellate attorney has fully complied with the responsibilities of counsel and no arguable issue exists, as West's offense is not a qualifying offense. (Pen. Code, § 1170.18; *Smith v. Robbins* (2000) 528 U.S. 259, 277-284 [120 S.Ct. 746, 145 L.Ed.2d 756]; *People v. Kelly* (2006) 40 Cal.4th 106, 118-119; *People v. Wende* (1979) 25 Cal.3d 436, 441-442.)

### **DISPOSITION**

The order is affirmed.

ZELON, J.

We concur:

PERLUSS, P. J.

SEGAL, J.